

*Mr. F. A. Whitaker.*  
3rd September, 1869.

the right to construct roads, but the Natives had not conceded the right to mine. Do you not know that the Graham's Town land was not included in the original agreement between Mr. Mackay and the Natives?—I do know that the Graham's Town land was not included in the first agreement with the Natives.

"The first Proclamation only extended to lands over which the right to mine was ceded by the Natives?—I believe so.

"That first agreement was the 27th July, 1867, and was proclaimed on the 30th July, 1867, and the 7th August, 1867?—Yes.

"By second agreement dated 9th November, 1867, did Mr. Mackay acquire for the Government the right to mine over the Graham's Town Flat?—I cannot say of my own knowledge."

It was a matter of public notoriety, and Mr. de Hirsch seems to contradict his former statement, that it was only the right to make roads that they had acquired. The "guarded answer" means that he had seen the agreement but he could not positively say, although it was a matter of public notoriety, that it had often come under his notice that the right to mine had been ceded. He swears that he verily believes that it was only the right to make roads. I can safely state that such a proposition was never broached by a single person, nor was it publicly reported that it was only the right to make roads that the Government acquired by the agreement. It was distinctly understood that it was the right to mine which was ceded by the agreements with the Natives. In answer to another question, Mr. De Hirsch says:—

"On the 9th March, 1866, Mr. Mackay entered into a third agreement with the Natives. Did that agreement purport to include the lands at Graham's Town?—I believe so."

"Under that agreement, did the Governor acquire the exclusive right to mine for gold under the lands in question?—I am not sure about that."

He makes a statement contradictory to that in his affidavit, where he says, "This Proclamation was issued in order to give the Government the right to construct roads, and the Natives had not conceded the right to mine." The report of the evidence goes on to say:—"Mr. Creighton then read part of the agreement, namely:—

"The Chiefs and People of Ngatimaru and Ngatiwhanaunga of Hauraki on the one part, and Sir George Ferguson Bowen, Governor of New Zealand, on the other part, witnesseth the consent of all of them, that is of the Chiefs and People of Ngatimaru and Ngatiwhanaunga, on behalf of themselves and their heirs, to release (give over) to Sir George Ferguson Bowen, Governor of New Zealand, and the Governors who may succeed him, a certain piece of land in the District of Hauraki, for gold-mining purposes, for himself and his assigns, within the meaning of the statute intitled 'The Gold Fields Act, 1866.'"

"Does this convey to the Crown the exclusive right of mining over the land described in the agreement?—Yes."

He does not state he was not aware of its being in existence, but says, "Yes, but the lessors in my case did not sign the agreement; they did not know what was going on." The affidavit says that the land was only handed over for the purpose of making roads, and he says now, "Yes, it did," and gives the reason why these very parties did not obtain it, and these parties did not sign the lease. This is a still further corroboration as to the fact stated in my affidavit as to the pegging out of the Golden Gate claim. I will place the facts before the Committee, and I think they will appear somewhat startling:—

"Almost within a fortnight after I obtained this lease, Mr. Frederick Alexander Whitaker, one Eicke and others took up this very same land under miners' rights. Then I went back to Auckland, and asked Mr. Frederick Whitaker's advice, and he told me he was very sorry he could not advise me, because he was retained on the other side. If I had taken up the ground under miners' rights I, could have held it."

Now a man who will give evidence of that description deliberately to damage the character of another person, when there is not a shadow of truth in the allegation, ought not to have much credence placed on his statements. That lease was obtained in February, the Golden Gate was pegged out in December, and here he says, "A fortnight after the lease, it was pegged out by Frederick Whitaker and others." I never had anything to do with the pegging out of the Golden Gate claim. I was not an original shareholder in it; I acquired what I held in it by purchase from Mr. Eicke and Mr. Haase, many months after it was pegged out, and subsequent to Mr. de Hirsch's dealings.

Mr. de Hirsch's petition was here handed to Mr. Whitaker, but he had no statement to make upon it.

Mr. Whitaker was thanked, and withdrew.